

AMENDED IN SENATE APRIL 22, 2003

Senate Constitutional Amendment

No. 8

Introduced by Senator Vasconcellos

February 20, 2003

Senate Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 15.5 to Article 1 thereof, relating to prisoners.

LEGISLATIVE COUNSEL'S DIGEST

SCA 8, as amended, Vasconcellos. Prisoners: rehabilitation.

Existing law requires the Director of Corrections to cause each person newly committed to state prison to be examined and studied, as specified, in order to, among other things, aid in the person's rehabilitation.

This measure would require the director to cause each person incarcerated in state prison, within 90 days of entry, to be evaluated, as specified, with respect to his or her educational and vocational level of development and capacity and with respect to his or her psychosocial level of development and ability to lead a constructive life. Based on these evaluations, the measure would require that a program be prescribed and implemented for the inmate that addresses his or her deficient levels of educational, vocational, and psychosocial development, as specified, so as to better equip him or her to lead a constructive life upon release from prison.

The measure would also require the Director of Corrections *and the Director of the Department of the Youth Authority* to make a parenting education course available to every inmate incarcerated in the state corrections system *or ward confined by the Department of the Youth*

Authority, as applicable, who is serving a sentence *or term of commitment* for a crime involving his or her child or a child formerly under his or her care. This measure would require the parenting course to be susceptible of completion within the sentences *or terms of commitment* of these inmates *or wards*, as specified, and would ~~provide that there could be no~~ *prohibit a reduction in the sentence or term of commitment* for one of these inmates *or wards* who failed to complete an available parenting course.

The measure would provide that it would become operative on January 1, 2005.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

1 WHEREAS, California law states that “the Legislature finds
2 and declares that the purpose of imprisonment for crime is
3 punishment”; and

4 WHEREAS, California’s rate of recidivism is very high, more
5 than one in every two inmates paroled returns to prison, when
6 compared to those of other comparable industrial states and other
7 industrial western nations; and

8 WHEREAS, The manner in which our current system of
9 corrections is now operating is counterproductive to the goal of
10 promoting the public safety of all Californians; and

11 WHEREAS, We owe it to the people of California and their
12 safety to far better attend systematically to the constructive
13 rehabilitation of each of our prison inmates prior to his or her
14 release from prison so as to better enable each of these inmates,
15 upon emerging from prison into our midst, to do so constructively
16 and not endanger public safety; and

17 WHEREAS, The purpose of our entire system of law
18 enforcement and corrections ought also to be to promote the public
19 safety of all Californians; and

20 WHEREAS, This measure proposes to reform the corrections
21 system to live up to its name, and to advance and ensure the public
22 safety of all Californians by attending to inmates in ways that hold
23 the most promise for enabling each of them to cure, or at least curb,
24 his or her dangerous ways before his or her release from prison
25 back into our midst; now, therefore, be it

26 *Resolved by the Senate, the Assembly concurring*, That the
27 Legislature of the State of California at its 2003–04 Regular



1 Session commencing on the second day of December 2002,
2 two-thirds of the membership of each house concurring, hereby
3 proposes to the people of the State of California that the
4 Constitution of the State be amended as follows:

5 First—That Section 15.5 is added to Article I thereof, to read:

6 SEC. 15.5. For each inmate who becomes subject to the
7 jurisdiction of the Department of Corrections on or after January
8 1, 2005, all of the following apply:

9 (a) The Director of Corrections shall cause both of the
10 following to occur:

11 (1) Within 90 days of entry, the inmate shall be evaluated in an
12 open, public, and comprehensive way with respect to his or her
13 educational and vocational level of development and capacity.

14 (2) Within 90 days of entry, the inmate shall be evaluated
15 comprehensively with respect to his or her psychosocial level of
16 development and ability to lead a constructive life.

17 (b) Based on the evaluations conducted pursuant to subdivision
18 (a), the Department of Corrections shall prescribe and implement
19 for each inmate a smart, comprehensive rehabilitation program
20 that addresses his or her deficient levels of educational, vocational,
21 and psychosocial development, so as to better equip him or her to
22 lead a constructive, safe life upon his or her release from prison
23 into our midst, as follows:

24 (1) The educational program shall be provided, as needed and
25 insofar as the length of sentence allows, to enable each inmate to
26 qualify to pass the California high school equivalency certificate
27 test and to obtain a California high school equivalency certificate,
28 or high school equivalent, while the inmate is incarcerated, if the
29 inmate has not yet advanced to that educational level.

30 (2) The psychosocial program shall be provided as needed to
31 enable each inmate to measure up to a standard of normalcy and
32 capacity to behave constructively and to lead a self-sufficient life,
33 according to a set of standard capacities as determined by an
34 advisory team of mental health experts appointed by the Director
35 of Corrections.

36 (3) The vocational capacity program shall be provided as
37 needed to equip each inmate to measure up to set vocational
38 standards, according to a standard skills level determined by an
39 advisory team appointed by the Director of Corrections, consisting

1 of persons knowledgeable in the arenas of employment and
2 vocational education.

3 (c) It is the intent of the People of the State of California that
4 this program be sufficiently funded and fully implemented so that
5 each inmate is enabled to prepare himself or herself to reenter our
6 community and live constructively and safely.

7 (d) It is the intent of the People of the State of California that
8 this program be annually monitored and assessed by the office of
9 the Inspector General, which shall annually report to the
10 Legislature and Governor with respect to the following:

11 (1) How well the program is being operated to live up to its
12 purpose, goals, and mandates.

13 (2) How the program could and should be improved.

14 (3) Whether the program is proving successful in reducing
15 recidivism and improving the public safety of Californians.

16 (e) The Director of Corrections shall make a parenting
17 education course available to every inmate incarcerated in the state
18 corrections system who is serving a sentence for a crime involving
19 his or her child or a child formerly under his or her care. ~~This~~ *The*
20 *Director of the Department of the Youth Authority shall make a*
21 *parenting education course available to every ward confined by*
22 *the department who is confined for an offense involving his or her*
23 *child or a child formerly under his or her care. These* parenting
24 education ~~course~~ *courses* shall be designed to be susceptible of
25 completion within the sentences *or terms of confinement* of these
26 inmates *or wards, as applicable*, as adjusted for eligible work,
27 behavior, or other reduction. However, no otherwise applicable
28 reduction may be applied to the sentence *or term of confinement*
29 or term of confinement of any of these inmates *or wards* who fails
30 to complete this parenting education, if the education is provided
31 as required by this subdivision.

32 Second—That Section 15.5 of Article I shall become operative
33 on January 1, 2005.